



10-15-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

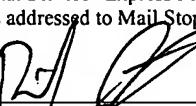
Applicant: YAMAGATA et al. Examiner: Smith, Zandra V.  
Serial No.: 10/037,866 Group Art Unit: 2877  
Filed: October 24, 2001 Docket: 10873.326USD1  
Confirmation No.: 5239 Notice of Allow. September 15, 2004  
Date:  
Due Date: December 15, 2004  
Title: DEVICE FOR CALCULATING DIFFRACTION EFFICIENCIES OF A DIFFRACTION LENS,  
LENS WITH GRATING ELEMENT, AND OPTICAL SYSTEM FOR READING

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 408492117 US

Date of Deposit: October 13, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PGPUB, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: David Ortiz

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**  
PATENT TRADEMARK OFFICE

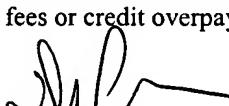
Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Information Disclosure Statement, Form 1449, 1 Reference
- Check in the amount of \$180 for IDS filing fee
- Other: European Search Report - mailed Sept. 20, 2004
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Douglas P. Mueller  
Reg. No.: 30,300  
DPM/jh



S/N 10/037,866

PATENT

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By:   
Name: David Ortiz

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(d))

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in a European Search Report mailed September 20, 2004.

This statement should be considered because it is submitted after the mailing date of a final action under 37 C.F.R. § 1.113 or after the mailing date of the Notice of Allowance under 37 C.F.R. § 1.311 or after any other action that closes prosecution on the application, but before the payment of the issue fee. Enclosed is a check in the amount of \$180 for the fee set forth in 37 C.F.R. § 1.17(p). This statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.

**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

**Certification Under 37 C.F.R. § 1.704(d)**

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Dated: October 13, 2004

By:

  
Douglas P. Mueller  
Reg. No. 30,300

DPM/jh

**23552**

PATENT TRADEMARK OFFICE

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|---|-------------------------------|----------------------|
| <p>FORM 1440<br/>OCT 13 2004<br/>INFORMATION DISCLOSURE STATEMENT<br/>IN AN APPLICATION<br/>(Use several sheets if necessary)</p> <p>OP E<br/>JSC 46<br/>PATENT</p> | Docket Number:                | Application Number:  |
|   | 10873.326USD1                 | 10/037,866           |
|   | Applicant: YAMAGATA et al.    |                      |
|   | Filing Date: October 24, 2001 | Group Art Unit: 2877 |

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**PATENT TRADEMARK OFFICE**

| EXAMINER | DATE CONSIDERED |
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